

Case 1:25-cv-00039-JJM-PAS

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; STATE OF
CALIFORNIA; STATE OF ILLINOIS;
STATE OF RHODE ISLAND; STATE OF
NEW JERSEY; COMMONWEALTH OF
MASSACHUSETTS; STATE OF
ARIZONA; STATE OF COLORADO;
STATE OF CONNECTICUT; STATE OF
DELAWARE; THE DISTRICT OF
COLUMBIA; STATE OF HAWAI'I;
STATE OF MAINE; STATE OF
MARYLAND; STATE OF MICHIGAN;
STATE OF MINNESOTA; STATE OF
NEVADA; STATE OF NORTH
CAROLINA; STATE OF NEW MEXICO;
STATE OF OREGON; STATE OF
VERMONT; STATE OF WASHINGTON;
and STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD TRUMP, in his Official
Capacity as President of the United)
States; U.S. OFFICE OF MANAGEMENT)
AND BUDGET; MATTHEW J. VAETH,)
in his Official Capacity as Acting Director)
of the U.S. Office of Management and)
Budget; U.S. DEPARTMENT OF THE)

1:25-cv-00039-JJM-PAS

**WEST'S MOTION FOR
RECONSIDERATION
AND REQUEST FOR
LEAVE TO FILE
AMICUS BRIEF**

1 **TREASURY; SCOTT BESSENT, in his)**
2 **Official Capacity as Secretary of the)**
3 **Treasury; PATRICIA COLLINS, in her)**
4 **Official Capacity as Treasurer of the U.S.;)**
5 **U.S. DEPARTMENT OF HEALTH AND)**
6 **HUMAN SERVICES; DOROTHY A.)**
7 **FINK, M.D., in her Official Capacity As)**
8 **Acting Secretary Of Health And Human)**
9 **Services; U.S. DEPARTMENT OF)**
10 **EDUCATION; DENISE CARTER, in her)**
11 **Official Capacity as Acting Secretary of)**
12 **Education; U.S. FEDERAL)**
13 **EMERGENCY MANAGEMENT)**
14 **AGENCY; CAMERON HAMILTON, in)**
15 **his Official Capacity as Acting)**
16 **Administrator of the U.S. Federal)**
17 **Emergency Management Agency; U.S.)**
18 **DEPARTMENT OF)**
19 **TRANSPORTATION; JUDITH KALETA,)**
20 **in her Official Capacity as Acting)**
21 **Secretary of Transportation; U.S.)**
22 **DEPARTMENT OF LABOR; VINCE)**
23 **MICONE, in his Official Capacity as)**
24 **Acting Secretary of Labor; U.S.)**
25 **DEPARTMENT OF ENERGY;)**
26 **INGRID KOLB, in her Official Capacity)**
as Acting Secretary of the U.S.)
Department of Energy; U.S.)
ENVIRONMENTAL PROTECTION)
AGENCY; JAMES PAYNE, in his Official)
Capacity as Acting Administrator of the)
U.S. Environmental Protection Agency;)
U.S. DEPARTMENT OF HOMELAND)
SECURITY; KRISTI NOEM, in her)
Capacity as Secretary of the U.S.)
Department of Homeland Security; U.S.)
DEPARTMENT OF JUSTICE; JAMES R.)
McHENRY III, in his Official Capacity as)
Acting Attorney General of the U.S.)

**Department of Justice; THE NATIONAL
SCIENCE FOUNDATION; and DR.
SETHURAMAN PANCHANATHAN, in
his Capacity as Director of the National
Science Foundation,**

Defendants.

Comes now the proposed intervener, Arthur West, and respectfully moves the Court for the following relief:

1. That the Court reconsider the Order of February 10, 2025, and at least, grant West leave to file an Amicus Brief in regard to the impacts of proposed federal grant freezes on citizens of Washington and property owners on the big island of Hawaii.

BASIS

This Motion is based upon FRCP 59, the files and records of this case, and the Declaration and argument below.

DECLARATION AND ARGUMENT

I, Arthur West, certify the following to be correct and true.

In addition to the interest in a small class of grants challenged in the pre-existing case filed in the federal District Court for the District of Columbia, I have a corollary interest in the lawful execution of the many other federal grants at issue in this case, both in the State of Washington, where I reside, and in the State of Hawaii, where I own land in fee simple.

1 The Constitutions of the State of Washington¹ and Hawaii² contain similar
2 declarations that *“all political power is inherent in the people.”* Article I of the
3 Hawaiian Bill of Rights further states that *the responsibility for the exercise*
4 *thereof rests with the people.*
5

6 This is significant in that the full impact of the proposed freeze on federal
7 funding will be felt, not only upon the 22 States that are plaintiffs in this case, but
8 primarily and fundamentally upon the individual citizens and residents of each of
9 these various states.
10

11 It is the citizens, including this petitioner, who will ultimately feel the
12 impact of the proposed freeze and/or revocation of grants for law enforcement,
13 transportation, environmental protection, firefighting, and the many other programs
14 endangered³ by the Trump administrations hasty and ill-considered actions.
15

16 Leave to file an Amicus Brief is appropriate in this case as this applicant has
17 been recognized as an authority on Constitutional Law and was granted leave⁴ to
18 file an Amicus Brief (See [https://www.scribd.com/document/649864986/Afroman-](https://www.scribd.com/document/649864986/Afroman-Amicus-Final-Corrected)
19 [Amicus-Final-Corrected](https://www.scribd.com/document/649864986/Afroman-Amicus-Final-Corrected)), along with the ACLU, in *Cooley v. Afroman in the State*
20 *of Ohio*.
21
22
23

24 ¹ See Washington Constitution, Article I: All political power is inherent in the people, and governments derive their
25 just powers from the consent of the governed, and are established to protect and maintain individual rights.

26 ² See Hawaii Constitution, Article I: All political power of this State is inherent in the people and the responsibility
for the exercise thereof rests with the people. All government is founded on this authority.

³ See Appended, Statements of AG Nick Brown and Governor Josh Green

⁴ See Order Denying Intervention and Granting Amicus Status, *Cooley v. Afroman*

1 This applicant has also raised and briefed issues of national importance as to
2 the boundaries of Legislative powers, as evidenced by the recent application to file
3 an Amicus Brief in West v. State Legislature by the National Association of State
4 Legislatures⁵.

6 This applicant regularly participates in the legislative process in regard to
7 Law Enforcement and other issues in the State of Washington⁶, and recently
8 commented on the FAA's SpaceX EA in regard to its potential impacts upon the
9 Hawaiian Islands⁷.

11 This applicant is a member in good standing of a Hawaiian nonprofit
12 recipient of federal grant funds for a community based project to foster agricultural
13 sustainability.

15 This applicant will be personally impacted by the proposed actions of the
16 executive in this case, and, based upon his previous laudable Amicus filing in
17 Cooley v. Afroman, (See [https://www.scribd.com/document/649864986/Afroman-](https://www.scribd.com/document/649864986/Afroman-Amicus-Final-Corrected)
18 [Amicus-Final-Corrected](https://www.scribd.com/document/649864986/Afroman-Amicus-Final-Corrected)), his expertise in litigating significant issues as to the
19 powers of the legislative branch, and his involvement in law enforcement,
20 environmental and social issues in Both Washington and Hawaii, it is equitable and
21 in the interest of justice that he be allowed to file an Amicus Brief as to the impacts
22 and unconstitutional nature of the aberrant actions of the Executive in this case.

25 ⁵ See Appended, 2/14/2025 Amicus Motion of the National Council of Legislatures in West v. Legislature

26 ⁶ See Appended, Feb. 13 Bill Report SB 5436

⁷ See Appended SpaceX EA Comment Jan 16, 2025

1 For this Court to do otherwise would leave this applicant in an unfortunate
2 position similar to a citizen of the Weimar Republic, who, while watching the
3 Reichstag burn⁸, was unable to even attempt to throw a couple buckets of water on
4 the blaze to try to stop the conflagration.
5

6 Done February 20th, 2025, in Olympia, Washington.

7
8 S/ Arthur West
9 ARTHUR WEST
10
11

12 **CERTIFICATE OF SERVICE**

13
14 I, Arthur West, certify that on or about February 20, 2025, I served this
15 Motion and Exhibits electronically upon all of the attorneys of record at their email
16 addresses appearing on their January 28 filing.
17

18 Done February 20, 2025, in Olympia, Washington.

19
20 S/ Arthur West
21 ARTHUR WEST
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26 ⁸ See, *The Reichstag Fire: The Shift from Democracy to Dictatorship*, Online at
<https://www.facinghistory.org/ideas-week/reichstag-fire-shift-democracy-dictatorship>